

Panaji, 16th January, 1975 (Pausa 26, 1896)

SERIES I No. 42

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judiciary Department

#### Notification

LD/5680/74

The following notifications received from the Government of India, Ministry of Labour, New Delhi, are hereby published for general information of the public.

*M. S. Borkar*, Under Secretary (Law).

Panaji, 21st December, 1974.

### GOVERNMENT OF INDIA

BHARAT SARKAR

MINISTRY OF LABOUR

SHRAM MANTRALAYA

*Dated New Delhi-11001, the 23rd November, 1974*

#### Notification

G. S. R. — In exercise of the powers conferred by clause (b) of sub-section (3) of section 1 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952) the Central Government hereby specifies every garments making factory employing twenty or more persons as an establishment to which the said Act shall apply with effect from the 30th November, 1974.

(No. 4/4/66-PF.II(i))

Sd/-

*R. P. NARULA*  
Under Secretary

*Dated New Delhi-110001, the 25th November, 1974*

#### Notification

In exercise of the powers conferred by clause (b) of sub-section (3) of section 1 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government hereby speci-

fies the following classes of establishments in each of which twenty or more persons are employed, as the establishments to which the said Act shall apply with effect from the 31st December, 1974, namely: —

1. Agricultural Farms.
2. Fruit Orchards.
3. Botanical Gardens.
4. Zoological Gardens.

(No. 4/12/61-PF.II(i))

Sd/-

*R. P. NARULA*  
Under Secretary

*Dated New Delhi, the 30th November, 1974*  
*9 Agrahayana, 1896*

#### Notification

S.O. — In exercise of the powers conferred by clause (a) of sub-section (3) of section 17 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in continuation of the notification of the Government No. S.O. 574E dated the 28th September, 1974, the Central Government hereby directs that every employer in relation to an establishment exempted under clause (a) or clause (b) of sub-section (1) of section 17 of the said Act or in relation to an employee or a class of employees exempted under paragraph 27, or as the case may be, paragraph 27A of the Employees' Provident Funds Scheme, 1952, shall transfer the monthly provident fund contributions within fifteen days of the close of the month to the Board of Trustees, duly constituted in respect of that establishment, and that the said Board of Trustees shall invest every month, within a period of two weeks from the date of receipt of the said amounts from the employer, the provident fund accumulations, that is to say, the contributions, interest and sundry receipts as reduced by any obligatory outgoings, in accordance with the following pattern, namely: —

- |   |     |
|---|-----|
| (i) Central Government securities.  | 45% |
| (ii) State Government securities and State or Central Government guaranteed securities. | 25% |
| (iii) Post Office Time Deposits and Small Savings.                                      | 30% |

The above pattern will be in force for the period from 1st December, 1974 to 31st March, 1975.

2. All re-investment of provident fund accumulations (whether invested in securities created and issued by the Central Government or in savings certificates issued by the Central Government or in securities created and issued by State Government) shall also be made according to the pattern mentioned in paragraph 1 above.

3. The Board of Trustees shall formulate proper procedure for prompt investment or re-investment of accumulations in accordance with the aforesaid directions and shall have it approved by the Regional Provident Fund Commissioner concerned.

(No. G.27035(3)/74-PF.I/I)

Sd/-

C. R. NAIR  
Deputy Secretary

*Dated New Delhi, the 30th November, 1974*  
*9 Agrahayana, 1896*

**Notification**

S.O.—In exercise of the powers conferred by sub-paragraph (1) of paragraph 52 of the Employees' Provident Funds Scheme and in continuation of the notification of the Government of India, in the Ministry of Labour No. S.O. 575E dated the 28th September, 1974 the Central Government hereby directs that accumulations out of the provident fund contributions, interest and other receipts as reduced by obligatory outgoings, shall be invested in accordance with the following pattern, namely:—

- |   |     |
|---|-----|
| (i) Central Government securities.  | 45% |
| (ii) State Government securities and State or Central Government guaranteed securities. | 25% |
| (iii) Post Office Time Deposits and Small Savings.                                      | 30% |

The above pattern will be in force for the period from 1st December, 1974 to 31st March, 1975.

2. All re-investment of provident fund accumulations (whether invested in securities created and issued by the Central Government or in savings certificates issued by the Central Government or in securities created and issued by a State Government) shall also be made according to the pattern mentioned in paragraph 1 above.

(No. G.27035(3)/74-PF.I/II)

Sd/-

C. R. NAIR  
Deputy Secretary

**Notification**

LD/33/75

The following notification received from the Government of India, Ministry of Agriculture, New Delhi, is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).  
Panaji, 3rd January, 1975.

**GOVERNMENT OF INDIA**  
**MINISTRY OF AGRICULTURE & IRRIGATION**

(Department of Agriculture)

Krishn Bhawan

*New Delhi dated the 9th December, 1974*

**Notification**

G.S.R. 684(E) — In pursuance of clause 3 of the Fertiliser (Control) Order, 1957, the Central Government hereby fixes, with immediate effect the price specified in column (2) of the Schedule annexed hereto as the maximum price per tonne, at which the fertiliser specified in the corresponding entry in column (1) of the said Schedule shall be sold to the tea, coffee or rubber plantations or to the cultivators.

**THE SCHEDULE**

Name of the Fertiliser	Maximum price per Tonne (in Rs.)
(1)	(2)
Calcium Ammonium Nitrate (28% Nitrogen)	1230/-

*Explanation:*—The maximum price specified above shall be exclusive of the Central Sales tax, local sales tax or other local taxes wherever levied, whether at the retail sale point or at any intermediate stage.

*Note:*—When sales of any fertiliser are made in quantities not exceeding 5 kilograms at a time, the dealer may charge one paise per kilogram in addition to the proportionate maximum price specified above.

Sd/-

KUMARI ANNA R. GEORGE  
Joint Secretary to the Govt. of India.

(No. 10-26/74-MPR-STU)

**Notification**

LD/3/75

The following Central Acts which were recently passed by the Parliament and assented to by the President of India are hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 3rd January, 1975.

The Indian Telegraph (Amendment) Act, 1974

AN

ACT

*further to amend the Indian Telegraph Act, 1885.*

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Indian Telegraph (Amendment) Act, 1974.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Amendment of section 7.**—In section 7 of the Indian Telegraph Act, 1885 13 of 1885. (hereinafter referred to as the principal Act), —

(i) in sub-section (2), after clause (e), the following clause shall be inserted, namely: —

“(ee) the charges in respect of any application for providing any telegraph line, appliance or apparatus;”;

(ii) in sub-section (5), for the words “which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following,” the words “which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,” shall be substituted.

**3. Validation.**—The levy and collection of any charges made during the period commencing from the 1st December, 1969 and ending with the commencement of this Act in respect of any application under rule 414 of the Indian Telegraph Rules, 1885 for providing any telegraph line, appliance or apparatus shall be deemed to have been made in accordance with law and accordingly no such levy or collection shall be called in question in any court and no suit or other proceeding shall be maintained in any court for the refund of such charges or for any other relief in relation to such application.

#### The Small Coins (Offences) Amendment Act, 1974

AN  
ACT

to amend the Small Coins (Offences) Act, 1971.

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows: —

**1. Short title.**—This Act may be called the Small Coins (Offences) Amendment Act, 1974.

**2. Amendment of section 1.**—In section 1 of the Small Coins (Offences) Act, 1971, sub-section (2) shall be omitted. 52 of 1971.

#### Notification

LD/10/75

The following notification received from the Government of India, Ministry of Labour, New Delhi, is hereby published for general information of the public.

*M. S. Borkar*, Under Secretary (Law).

Panaji, 3rd January, 1975.

#### GOVERNMENT OF INDIA

(BHARAT SARKAR)

#### MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

*Dated, New Delhi, the 17th December, 1974*

#### Notification

S.O. — Whereas, the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S. O. 1576 dated the 7th June, 1974, the banking Industry carried on by a banking company as defined in clause (bb) of section 2 of the said Act, to be a public utility service for the purposes of the said Act, for a period of six months from the 29th June, 1974;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 29th December, 1974.

(F. No. 11025/24/74-LRI)

Sd/-

*S. S. SAHASRANAMAN*

Under Secretary.

#### Notification

LD/80/75

The following notification received from the Government of India, Ministry of Labour, New Delhi, is hereby published for general information of the public.

*M. S. Borkar*, Under Secretary (Law).

Panaji, 9th January, 1975.

#### GOVERNMENT OF INDIA

(BHARAT SARKAR)

#### MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

*Dated, New Delhi, the 7th December, 1974.*

#### Notification

G. S. R. — The following draft of certain rules further to amend the Industrial Disputes (Central) Rules, 1957, which the Central Government proposes to make in exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947 (14 of 1947), is published as required by sub-section (i) of the said section, for the information of all persons likely to be affected thereby and notice is hereby

given that the said draft will be taken into consideration after a period of fourty five days from the date of publication of this notification in the Official Gazette.

Any objections or suggestion which may be received from any person with respect to the said draft on or before the period so specified will be considered by the Central Government.

DRAFT RULES

1. These rules may be called the Industrial Disputes (Central) (Second Amendment) Rules, 1974.

2. In the Industrial Disputes (Central) Rules, 1957, after rule 70, the following rule shall be inserted, namely:

“Rule 70A Preservation of records by the National Industrial Tribunals, Industrial Tribunals or Labour Courts.

(i) The records of the National Industrial Tribunals, Industrial Tribunals or Labour Courts specified in column 1 of the Table below shall be preserved for the period specified in the corresponding entry in column 2 thereof after the proceedings are finally disposed of by such National Industrial Tribunals, Industrial Tribunals or Labour Courts.

TABLE

Records	Number of years for which the records shall be preserved
1	2
(i) Orders and judgements of National Industrial Tribunals, Industrial Tribunals or Labour Courts.	15 years
(ii) Exhibited documents in the above mentioned Tribunals or Courts.	7 years
(iii) Other papers.	7 years

(2) Notwithstanding anything contained in sub-rule (i), the records of the National Industrial Tribunals, Industrial Tribunals or Labour Courts, connected with writ petition if any, filed in the High Courts or Supreme Court, shall be preserved till the final disposal of such writ petitions.

Sd/-

S. S. SAHASRANAMAN

Under Secretary to the Government of India.

(File No. S-65011/3/73-LR.I)

Notification

LD/164/75

The following Order which was recently issued by the Government of India is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 14th January, 1975.

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

New Delhi, the 23rd December, 1974

Order

G. S. R. 694(E). — In exercise of the powers conferred by clause (1) of article 359 of the Constitution, the President hereby declares that —

- (a) the right to move any court with respect to orders of detention which have already been made or which may hereafter be made under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974), or with respect to any other action (including the making of any declaration under section 9 of the said Act) which has already been, or may hereafter be, taken or omitted to be taken in respect of detention under such orders, for the enforcement of the rights conferred by article 14, article 21 and clause (4), clause (5) read with clause (6), and clause (7), of article 22 of the Constitution, and
- (b) all proceedings pending in any court for the enforcement of any of the aforesaid rights with respect to orders of detention made under the said Act or any other action (including the making of any declaration under the said Section 9) taken or omitted to be taken in respect of detention under such orders,

shall remain suspended for a period of six months from the date of issue of this Order or the period during which the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 3rd December, 1971, is in force, whichever period expires earlier.

2. This Order shall extend to the whole of the territory of India.

[No. II/16011/14/74-S&P(D.II)]

N. K. MUKARJI, Secy.

Notification

LD/169/75

The following Central Act which was recently passed by the Parliament and assented to by the President of India is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 14th January, 1975.

GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 13th December, 1974/  
/Agrahayana 22, 1896 (Saka)

The following Act of Parliament received the assent of the President on the 13th December, 1974,

and is hereby published for general information:—

**The Conservation of Foreign Exchange and Prevention  
of Smuggling Activities Act, 1974**

No. 52 of 1974

[13th December, 1974]

An Act to provide for preventive detention in certain cases for the purposes of conservation and augmentation of foreign exchange and prevention of smuggling activities and for matters connected therewith.

Whereas violations of foreign exchange regulations and smuggling activities are having an increasingly deleterious effect on the national economy and thereby a serious adverse effect on the security of the State;

And Whereas having regard to the persons by whom and the manner in which such activities or violations are organised and carried on, and having regard to the fact that in certain areas which are highly vulnerable to smuggling, smuggling activities of a considerable magnitude are clandestinely organised and carried on, it is necessary for the effective prevention of such activities and violations to provide for detention of persons concerned in any manner therewith;

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

**1. Short title, extent and commencement.**— (1) This Act may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.

(2) It extends to the whole of India.

(3) It shall come into force on such date (being a date not later than the twentieth day of December, 1974), as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**— In this Act, unless the context otherwise requires, —

(a) “appropriate Government” means, as respects a detention order made by the Central Government or by an officer of the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer of a State Government or a person detained under such order, the State Government;

(b) “detention order” means an order made under section 3;

(c) “foreigner” has the same meaning as in the Foreigners Act, 1946; 31 of 1946.

(d) “Indian customs waters” has the same meaning as in clause (28) of section 2 of the Customs Act, 1962; 52 of 1962.

(e) “smuggling” has the same meaning as in clause (39) of section 2 of the Customs Act, 1962, and all its grammatical variations and cognate expressions shall be construed accordingly; 52 of 1962.

(f) “State Government”, in relation to a Union territory, means the administrator thereof;

(g) any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

**3. Power to make orders detaining certain persons.**

(1) The Central Government or the State Government or any officer of the Central Government, not below the rank of a Joint Secretary to that Government, specially empowered for the purposes of this section by that Government, or any officer of a State Government, not below the rank of a Secretary to that Government, specially empowered for the purposes of this section by that Government, may, if satisfied, with respect to any person (including a foreigner), that, with a view to preventing him from acting in any manner prejudicial to the conservation or augmentation of foreign exchange or with a view to preventing him from —

(i) smuggling goods, or

(ii) abetting the smuggling of goods, or

(iii) engaging in transporting or concealing or keeping smuggled goods, or

(iv) dealing in smuggled goods otherwise than by engaging in transporting or concealing or keeping smuggled goods, or

(v) harbouring persons engaged in smuggling goods or in abetting the smuggling of goods,

it is necessary so to do, make an order directing that such person be detained.

(2) When any order of detention is made by a State Government or by an officer empowered by a State Government, the State Government shall, within ten days, forward to the Central Government a report in respect of the order.

(3) For the purposes of clause (5) of article 22 of the Constitution, the communication to a person detained in pursuance of a detention order of the grounds on which the order has been made shall be made as soon as may be after the detention, but ordinarily not later than five days, and in exceptional circumstances and for reasons to be recorded in writing, not later than fifteen days, from the date of detention.

**4. Execution of detention orders.**— A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973. 2 of 1974

**5. Power to regulate place and conditions of detention.**— Every person in respect of whom a detention order has been made shall be liable —

(a) to be detained in such place and under such conditions including conditions as to maintenance, interviews or communication with others, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify; and

(b) to be removed from one place of detention to another place of detention, whether within the



same State or in another State by order of the appropriate Government:

Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government of that other State.

**6. Detention orders not to be invalid or inoperative on certain grounds.**—No detention order shall be invalid or inoperative merely by reason—

(a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or the officer making the order of detention, or

(b) that the place of detention of such person is outside the said limits.

**7. Powers in relation to absconding persons.**—(1) If the appropriate Government has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government may—

(a) make a report in writing of the fact to a Metropolitan Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973, shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate;

2 of 1974

(b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction, he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under clause (b) of sub-section (1) shall be cognisable.

2 of 1974

**8. Advisory Boards.**—For the purposes of sub-clause (a) of clause (4), and sub-clause (c) of clause (7), of article 22 of the Constitution,—

(a) the Central Government and each State Government shall, whenever necessary, constitute one or more Advisory Boards each of which shall consist of a Chairman and two other persons possessing the qualifications specified in sub-clause (a) of clause (4) of article 22 of the Constitution;

(b) save as otherwise provided in section 9, the appropriate Government shall, within five weeks from the date of detention of a person under a detention order make a reference in respect thereof to the Advisory Board constituted under clause

(a) to enable the Advisory Board to make the report under sub-clause (a) of clause (4) of article 22 of the Constitution;

(c) the Advisory Board to which a reference is made under clause (b) shall after considering the reference and the materials placed before it and after calling for such further information as it may deem necessary from the appropriate Government or from any person called for the purpose through the appropriate Government or from the person concerned, and if, in any particular case, it considers it essential so to do or if the person concerned desires to be heard in person, after hearing him in person, prepare its report specifying in a separate paragraph thereof its opinion as to whether or not there is sufficient cause for the detention of the person concerned and submit the same within eleven weeks from the date of detention of the person concerned;

(d) when there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board;

(e) a person against whom an order of detention has been made under this Act shall not be entitled to appear by any legal practitioner in any matter connected with the reference to the Advisory Board, and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential;

(f) in every case where the Advisory Board has reported that there is in its opinion sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit and in every case where the Advisory Board has reported that there is in its opinion no sufficient cause for the detention of the person concerned, the appropriate Government shall revoke the detention order and cause the person to be released forthwith.

**9. Cases in which and circumstances under which persons may be detained for longer than three months without obtaining opinion of Advisory Board.**

(1) Notwithstanding anything contained in this Act, any person (including a foreigner) in respect of whom an order of detention is made under this Act at any time before the 31st day of December, 1975 may be detained without obtaining, in accordance with the provisions of sub-clause (a) of clause (4) of article 22 of the Constitution, the opinion of an Advisory Board for a period longer than three months but not exceeding one year from the date of his detention, where the order of detention has been made against such person with a view to preventing him from smuggling goods or abetting the smuggling of goods or engaging in transporting or concealing or keeping smuggled goods and the Central Government or any officer of the Central Government, not below the rank of an Additional Secretary to that Government, specially empowered for the purposes of this section by that Government, is satisfied that such person—

(i) smuggles or is likely to smuggle goods into, out of or through any area highly vulnerable to smuggling; or

(ii) abets or is likely to abet the smuggling of goods into, out of or through any area highly vulnerable to smuggling; or

(iii) engages or is likely to engage in transporting or concealing or keeping smuggled goods in any area highly vulnerable to smuggling,

and makes a declaration to that effect within five weeks of the detention of such person.

*Explanation.*—In this sub-section, “area highly vulnerable to smuggling” means—

(i) the Indian customs waters;

(ii) the inland area fifty kilometres in width from the coast of India falling within the territories of the States of Gujarat, Karnataka, Kerala, Maharashtra, Tamil Nadu and the Union territories of Goa, Daman and Diu and Pondicherry; and

(iii) such further or other inland area not exceeding one hundred kilometres in width from any coast or other border of India, as the Central Government may, having regard to the vulnerability of that area to smuggling, by notification in the Official Gazette, specify in this behalf.

(2) In the case of any person detained under a detention order to which the provisions of sub-section (1) apply, section 8 shall have effect subject to the following modifications, namely:—

(i) in clause (b), for the words “shall, within five weeks”, the words “may, at any time prior to but in no case later than three months before the expiration of one year” shall be substituted;

(ii) in clause (c), for the words “from the date of detention of the person concerned”, the words “from the date on which the reference is made to it” shall be substituted.

(3) The case of every person detained under a detention order to which the provisions of sub-section (1) apply shall, within a period of six months from the date of detention, be reviewed [unless in the meantime a reference has been made in respect thereof to an Advisory Board constituted under clause (a) of section 8 read with sub-section (2) or such order has been revoked] by the appropriate Government in consultation with a person who is, or has been, or is qualified to be appointed, as a Judge of a High Court nominated in that behalf by that Government:

Provided that where the appropriate Government is a State Government, that Government shall also consult the Central Government in the matter.

**10. Maximum period of detention.**—The maximum period for which any person may be detained in pursuance of any detention order to which the provisions of section 9 do not apply and which has been confirmed under clause (f) of section 8 shall be one year from the date of detention and the maximum period for which any person may be detained in pursuance of any detention order to which the provisions of section 9 apply and which has been confirmed under clause (f) of section 8 read with sub-section (2) of section 9 shall be two years from the date of detention:

Provided that nothing contained in this section shall affect the power of the appropriate Government

in either case to revoke or modify the detention order at any earlier time.

#### **11. Revocation of detention orders.**—

(1) Without prejudice to the provisions of section 21 of the General Clauses Act, 1897, a detention order may, at any time, 10 of 1897. be revoked or modified—

(a) notwithstanding that the order has been made by an officer of a State Government, by that State Government or by the Central Government;

(b) notwithstanding that the order has been made by an officer of the Central Government or by a State Government, by the Central Government.

(2) The revocation of a detention order shall not bar the making of another detention order under section 3 against the same person.

**12. Temporary release of persons detained.**—(1) The appropriate Government may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

**13. Protection of action taken in good faith.**—No suit or other legal proceeding shall lie against the Central Government or a State Government, and no suit, prosecution or other legal proceedings shall lie against any person, for anything in good faith done or intended to be done in pursuance of this Act.

**14. Repeal.**—The Maintenance of Internal Security (Amendment) Ordinance, 1974, shall, on the commencement of this 11 of 1974. Act, stand repealed and accordingly the amendments made in the Maintenance of Internal Security Act, 1971, by the said 26 of 1971. Ordinance shall, on such commencement, cease to have effect.

K. K. SUNDARAM,  
Secy. to the Govt. of India.

## Notification

LD/5818/75

The following Ordinance which was recently issued by the Government of India is hereby published for general information of the public.

*M. S. Borkar*, Under Secretary (Law).

Panaji, 9th January, 1975.

THE PRESS COUNCIL (SECOND AMENDMENT)  
ORDINANCE, 1974

No. 14 of 1974

Promulgated by the President in the Twenty-fifth  
Year of the Republic of India

An Ordinance further to amend the Press  
Council Act, 1965.

Whereas a Bill further to amend the Press Council Act, 1965 has been introduced in Parliament but has not been passed;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the Bill;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

**1. Short title and commencement.**—(1) This Ordinance may be called the Press Council (Second Amendment) Ordinance, 1974.

(2) It shall come into force on the 30th day of December, 1974.

**2. Act 34 of 1965 to be temporarily amended.**— During the operation of this Ordinance, the Press Council Act, 1965 (hereinafter referred to as the principal Act) shall have effect subject to the amendment specified in section 3.

**3. Amendment of section 5.**— In section 5 of the principal Act, for sub-section (1A), the following sub-section shall be substituted, namely:—

“(1A) Notwithstanding the expiry of the period of office specified in sub-section (1), the Chairman and other members holding office as such on the 29th day of December, 1974 shall continue to hold such office until the appointed day:

Provided that nothing in this sub-section shall apply to a member—

(a) who ceases to be a member before the appointed day, by reason of the provisions of sub-section (2); or

(b) whose term of office expires before the appointed day, by reason of the provisions of sub-section (3); or

(c) who is deemed to have vacated his seat before the appointed day, by reason of the provisions of sub-section (3A); or

(d) who is deemed to have vacated his office before the appointed day, by reason of the provisions of sub-section (4).

*Explanation.*— In this sub-section, “appointed day” means the 31st day of December, 1975, or, where the Central Government, by notification in the Official Gazette, appoints an earlier date, such earlier date.’

FAKHRUDDIN ALI AHMED,  
President.

27-12-74

K. K. SUNDARAM,  
Secy. to the Govt. India.